

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DIMAS L. APODACA,

Plaintiff,

vs.

No. 07-CV-1039 BB/ACT

**JOHN DANTIS, THADDEUS LUCERO and
RONALD TORRES,**

Defendants.

ORDER

THIS MATTER comes before the Court on the Proposed Findings and Recommended Disposition of the United State Magistrate Judge. [Doc. No. 49]. Plaintiff filed objections on January 29, 2009 [Doc. No. 52]. The Court finds that Plaintiff's objections are without merit. The Court also notes that Plaintiff filed copies of grievances he filed in September and November of 2008 [Doc. No. 50]. Plaintiff's Complaint and Amended Complaint [Doc. No. 7] allege constitutional violations in 2007 continuing to February 22, 2008. Thus, the grievances are not relevant to the time period of Plaintiff's Complaint and Amended Complaint.

IT IS THEREFORE ORDERED that the Proposed Findings and Recommended Disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's Civil Rights Complaint filed October 12, 2007, and Plaintiff's Amended Civil Rights Complaint filed November 23, 2007, be dismissed without prejudice.



**BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE**